

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIKE EVON,)	
)	
Plaintiff,)	
)	
v.)	Case No: 20 CV 5682
)	
)	[Formerly Circuit Court of
MENARD, INC,)	Cook County, Illinois
)	Case No. 20 L 9082]
Defendant.)	

NOTICE OF REMOVAL

Defendant, MENARD, INC., hereby removes Case No. 20 L 9082 from the Circuit Court of the Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C § 1332, 1441(b) and 1446, and as grounds for its removal states as follows:

STATEMENT OF THE CASE

1. On February 13, 2019, the Plaintiff, MIKE EVON, filed a Complaint in the Circuit Court of Cook County, Illinois styled MIKE EVON v. MENARD, INC., Case No. 20 L 9082. (A copy of the Summons, Complaint, and proof of service on the Defendant is attached hereto as Exhibit A).

2. Menard, Inc. was served with the summons and Complaint on September 10, 2020. (See Exhibit A).

3. The Complaint purports to state a cause of action for negligence.

4. In the Complaint, the plaintiff seeks compensatory damages in excess of \$50,000.00.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)

5. The Court has jurisdiction over this matter under 28 U.S.C. § 1332 (a) because there is complete diversity of citizenship between the Plaintiff and MENARD, INC. and more than \$75,000.00 exclusive of interest and cost is at stake.

6. Plaintiff is a citizen of the State of Illinois.

7. MENARD, INC., is a citizen of the State of Wisconsin and is incorporated in the State of Wisconsin with its principal place of business in Eau Claire, Wisconsin. Therefore, there is complete diversity between the Plaintiff and the Defendant in this action.

8. The Plaintiff is claiming an injury to his neck and knee, including a torn meniscus, for which he claims surgery, is needed, as a result of the subject accident.

9. In his Complaint, Plaintiff alleges that he sustained severe and permanent injuries and was required to seek extensive medical and surgical consultation and treatment and lost wages.

10. In his Complaint, the Plaintiff alleges that he will sustain future medical expenses, future pain and suffering and future disability.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1441 (a) and 1446 (a) because the Northern District of Illinois, Eastern Division, is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the State Court Action was originally filed.

12. Pursuant to 28 U.S.C. § 1446 (a) and Local Rule, a true and correct copy of all of the process, pleadings, orders and documents from the State Court Action which have been served upon MENARD, INC., are being filed with this Notice of Removal.

13. This Notice of Removal has been filed within 30 days of the date that MENARD, INC. was served with the summons and Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. §1446(b).

CONCLUSION

By this Notice of Removal, MENARD, INC. does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. MENARD, INC. intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

FABRIZIO, HANSON, PEYLA & KAWINSKI, P.C.

By: /s/ Marilyn Frangella

Marilynn Frangella
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PROOF OF SERVICE

I, Marilyn Frangella, attorney, certify that I served this Notice of Removal with exhibits to plaintiff's counsel via e-mail at oschwartz@kjs-law.com on September 24, 2020.

/s/ Marilyn Frangella